

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Bethany A. Druce**
709 North John Street
Kirksville, MO 63501

From: **St. Louis District Office**
1222 Spruce Street
Room 8.100
Saint Louis, MO 63103

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

560-2020-00123

Jeffrey S. Jones,
Investigator

(314) 539-7935

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

Lloyd J. Vasquez, Jr.,
District Director

(Date Mailed)

Enclosures(s)

cc:

NaKeshia Davis
Counsel, Labor & Employment
KRAFT HEINZ
200 East Randolph St.
Suite 7600
Chicago, IL 60601

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974: See Privacy Act Statement before completing this form.		<input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	560-2020-00123
Missouri Commission on Human Rights and EEOC			
State or local Agency, if any			
NAME (Indicate Mr., Ms., Mrs.) Ms. Bethany Druce		HOME TELEPHONE (Include Area Code) 660-734-5028	
STREET ADDRESS 505 S. 6 th Street, Apt. B		CITY, STATE AND ZIP CODE Kirksville, MO 63501	DATE OF BIRTH 04/24/1992
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME Kraft Heinz	NUMBER OF EMPLOYEES, MEMBERS 38,000	TELEPHONE (Include Area Code) 660-827-1031	
STREET ADDRESS 2504 Industrial Road, Kirksville, MO 63501	CITY, STATE AND ZIP CODE	COUNTY Adair County	
NAME	TELEPHONE NUMBER (Include Area Code)		
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEA/EPA)	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> NATION <input type="checkbox"/> DISABILITY <input checked="" type="checkbox"/> OTHER (Specify) ORIGIN		6/19/2019 - Present	
		<input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
See attached paper.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY (When necessary for State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. DANE RIGGENBACH Notary Public - Notary Seal Adair County - State of Missouri Commission Number 17792251 My Commission Expires Dec 11, 2021	
10-31-19 Date	Bethany A. Druce Charging Party (Signature)	SIGNATURE OF COMPLAINANT Bethany A. Druce SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year) 31 st Oct, 2019	

EEOC FORM 5 (10/94)

 RECEIVED
 ST LOUIS DISTRICT
 2019 NOV -4 PM 3:38

My name is Bethany Druce, and I am a twenty-seven year old female of Asian descent.

I started working at Kraft Heinz at the Kirksville, Missouri manufacturing plant on June 11, 2018. When I was hired on this date, my job title was Operations Technician. About one month later, I interviewed for a Team Lead position. A Team Lead has responsibilities over the production floor including safety of employees, quality of the manufacturing processes, and the quantity and quality of the overall production yield. A Team Lead is a supervisory role. A Team Lead is two "levels" above an Operations Technician position. A Team Lead works directly under the Production Supervisor. I was promoted to Team Lead after my interview. I was a Team Lead for the "Raw Side" of the plant from mid September 2018 through June 5, 2019.

On June 5, 2019, I was involved in a work-related argument on the production floor that occurred between myself and a fellow Team Lead. The fellow Team Lead and I were disciplined as a result of this argument. My discipline was a demotion from Team Lead back to Operations Technician. Kraft Heinz also determined a transfer to a part of the plant where the fellow Team Lead did not work was warranted. As a result, I was transferred to the "Ready to Eat" side of the plant. Neither myself nor my fellow Team Lead signed any disciplinary paperwork concerning this action.

On June 19, 2019, I was transferred to the "Ready to Eat" side of the plant in an Operations Technician position. Debra Brantner was a Team Lead on the "Ready to Eat" side of the plant. Ms. Brantner was not my direct supervisor, but she did directly supervise other employees in my position on the "Ready to Eat" side of the plant. On June 19, 2019, at the beginning of my first shift on the "Ready to Eat" side, Ms. Brantner approached me in the locker room of the facility where I was changing into my work uniform. Ms. Brantner stated, "Now that you have been demoted, you should just go back to your own country." Ms. Brantner immediately walked out of the locker room after making this statement.

Later that same day, I walked into the Team Lead Huddle Room to get supplies. Ms. Brantner was in that room and said, "Just so you know, you are on my side now. If I want you gone, you will be. And don't bother reporting this to anyone. If you do, I will just deny it." I said nothing in response and left the room. As a result of these two statements, I emailed the Human Resources department and alerted them that I was having issues. I did not elaborate as to the nature of the issues.

On July 4, 2019, I was struggling while working on the manufacturing production line. During my break while

in the locker room, Ms. Brantner came in and stated, "I saw you were struggling there on Line 2. I thought Asians were supposed to be smart." Ms. Brantner then laughed and walked out of the locker room. Immediately after this statement, I spoke to a coworker and expressed my concern. On that same day, I spoke to Shane Western who was the "Ready to Eat" supervisor. I complained to Mr. Western about Ms. Brantner's racist comments. Mr. Western did not appear surprised to hear these comments. Mr. Western said he would speak to Ms. Brantner about my concerns and her statements. Mr. Western asked me to write a statement. I wrote a statement describing the three incidents that had occurred up to that point. I turned in the statement to John Beeler, a production supervisor who directly oversaw Ms. Brantner, because Mr. Western was out of the office at that time. I also told Mr. Beeler about the incidents with Ms. Brantner at the time I turned in the statement. Mr. Beeler said he would keep a close eye on things.

On July 23, 2019, while I was walking to my break, Ms. Brantner stepped out of the Team Lead Office to the hallway where I was walking. Ms. Brantner called me a "stupid bitch" as I walked by her. On this same day and after my shift concluded, I called the Human Resources Director, Kristin Thomure. I called Ms. Thomure to report the retaliation by Ms. Brantner. Ms. Thomure agreed to meet with me the next day.

On July 24, 2019, on my scheduled day off, I had a meeting with Ms. Thomure. I explained the incidents with Ms. Brantner. I also filed a complaint. Ms. Thomure said they would have a conversation with Ms. Brantner. Ms. Thomure also stated that she would have all supervisors on the "Ready to Eat" side of the plant be on "heightened awareness" meaning they would be on alert and watching for interactions between myself and Ms. Brantner. Ms. Thomure said that someone from her office would follow up with me.

On July 26, 2019, my production supervisor, Kristin Nelson delivered my complaint to Kristin Thomure at the beginning of my shift. I confirmed with Kristin Thomure via email that she did receive my complaint after Kristin Nelson delivered it.

By August 19, 2019, I had not heard anything from Human Resources or any of my supervisors related to the meeting with Human Resources. As a result, I emailed Meaghan Maxwell in Human Resources to follow up.

On August 21, 2019, I met with Meaghan Maxwell and Megan Gregory in Human Resources. Ms. Maxwell stated that there was nothing that Human Resources could do without a witness to any incidents. Ms. Maxwell reminded that I was on heightened awareness and should try to have a buddy with me when I move around the plant. Based on the circumstances of work on the production line, it would be very difficult to have an employee with me

each time I moved throughout the plant. I was shocked that there was nothing that could be done and that nothing could be done until there was an incident where a witness could corroborate my story. I expressed this disbelief with Ms. Maxwell and she confirmed that there was nothing she could do until someone witnessed the incidents. Ms. Maxwell stated that my reports of harassment were just hearsay.

On August 27, 2019, I had a meeting with my Team Lead Eric Kelsall, Production Supervisor Kristin Nelson (maiden name Tallman), and Human Resources Associate Meaghan Maxwell. They suggested I move to a different shift to have less overlap with Ms. Brantner. I asked for a few days to decide whether I wanted to change shifts. At the time I worked the 3 AM to 3 PM shift, and this shift move would require me move to the 5 AM to 5 PM shift. Ms. Maxwell also stated that I should not discuss any of this on the production floor.

On August 28, 2019, Ms. Brantner passed me in the hallway. She muttered under her breath, "stupid bitch" to me as she passed.

On August 29, 2019, I met with Kristin Nelson, the production supervisor, to follow after the August 27, 2019, meeting. At that meeting, I was very upset and told her that I was uncomfortable with how the meeting on August 27, 2019, went. I expressed that I felt alienated after that meeting. Ms. Nelson said she did not intend that and that the plant just wanted to keep rumors at bay. At this meeting, I decided to move to the new shift to avoid seeing Ms. Brantner. I told Ms. Nelson that the comments had not ceased and explained the incident that occurred just the day before. Ms. Nelson said that nothing could be done without a witness to any incident. Ms. Nelson told me to write down any future incidents that I had with Ms. Brantner.

On September 7, 2019, Ms. Brantner was working overtime; therefore, she was working at the plant at the same time as me. During the shift, I walked to a cabinet for supplies. Ms. Brantner walked behind me and said, "just go die." While there were employees nearby at the time Ms. Brantner said this, I do not believe there was anyone within earshot to hear what was said. Per Ms. Nelson's directions, I wrote this incident down.

On September 12, 2019, I was pulled off the production line by Ms. Nelson. Ms. Nelson said that Adam, a production manager (last name unknown), wanted to speak with me. During this meeting with Ms. Nelson and Adam, Adam stated that I was being suspended pending an investigation for collusion. No further details concerning the investigation were provided. Ms. Nelson walked me out and asked if I thought I would return. I responded that I had no idea why I was being suspended for an investigation concerning collusion.

On September 23, 2019, Megan Gregory from the Human Resources department called me. She stated that the investigation was concluded and that I was terminated. I requested my employee personnel file be returned to me. She declined to provide it and the telephone call ended. I have not been provided any type of termination paperwork or other documentation concerning termination. I have only received paperwork concerning COBRA benefits.

On this same day and after the phone call, I sent an email to Megan Gregory requesting my personnel file. In response to that email, Ms. Gregory sent me my personnel file. In that file, in addition to hiring, tax, and onboarding documents, there were two disciplinary "write ups." These two write ups were unrelated to the alleged collusion investigation and termination.

I cannot discern any event or allegation during my career at Kraft Heinz which would subject me to any type of investigation for collusion. I believe I was discriminated based on my race and national origin, and I believe I was retaliated against because I reported this discrimination.